

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-11 and 13-25 are presently active in this case. The present amendment amends Claims 1 and 13-19; cancels Claim 12 and adds Claims 22-25. All Claims and their respect status are listed above for the Examiner's convenience.

Claims 1-21 were rejected under 35 U.S.C. as anticipated by Bolts et al. (U.S. Patent No. 6,233,445, hereinafter "the '445 patent").

In response to the rejection of claims 1-21 under 35 U.S.C. §102(b), Applicants respectfully request reconsideration of this rejection and traverse this rejection as discussed next.

The rejection under 35 U.S.C. §102(b) is improper. The '445 patent issued on May 15, 2001. This is not one year before the January 19, 2001 filing date of the present application. However, Applicants submit that a rejection under 35 U.S.C. §102(e) may be proper since the '445 patent was filed on January 14, 1997. Assuming that a §102(e) rejection is proper, applicants submit the following remarks below.

The '445 patent discloses a method of screening emergency wireless calls. After a first emergency wireless call is received, an application module 200 in the wireless communication system determines whether or not subsequently received emergency wireless calls are for an emergency or

accident already reported from approximately the same location as the previous emergency wireless call. By evaluating the information previously stored for the initial reporting of the emergency or accident, the application module 200 can determine that a reporting has already been received from approximately the same geographic area as the subsequent wireless call. The application module 200 then instructs an announcement machine to provide an announcement message to the subsequently received emergency wireless call. (See Column 4, lines 31-51.)

The subject matter of now canceled Claim 12 has been incorporated into Claim 1. Claim 1 recites a method of performing a predetermined action on wireless calls. The predetermined action is performed if a received wireless call is determined to originate from a defined area. Claim 1 requires that the determining and performing steps are only initiated after a number of wireless calls originating within a predetermined distance of one another are received.

The '445 patent does not specify any such requirement. Instead, call screening of emergency calls occurs after the receipt of single emergency wireless call, not "after a number of wireless calls originating within a predetermined distance of one another are received." Thus, Claims 2-11 and 13-18 dependent upon amended claim 1 are patentable at least for the reasons stated above with respect to claim 1.

Turning to amended Claim 19, the '445 patent concerns the screening of emergency wireless calls. The '445 patent does not disclose or suggest determining whether the received wireless calls falls within a class of wireless

calls, the class of wireless calls being one of location incentive offers, wireless based games, and wireless location based advertisements as recited in claim 19. Accordingly, the '445 patent also cannot disclose or suggest performing a predetermined action on a received wireless call when it is determined that a received wireless call falls within such a class of wireless calls. Claim 19 is not rendered unpatentable by the '445 patent. Support for amended claim 19 can be found, for example, at page 7, lines 1-10 of the present application.

Claims 20-21, dependent upon claim 19, are patentable at least for the reasons discussed above with respect to claim 19.

Newly added Claims 22-25 are also believed to define over the cited prior art. As disclosed in the '445 patent, an application module 200 automatically determines whether or not to initiate the screening operation. By contrast, claim 22 requires that the Public Safety Answering Point operator initiate the screening process. The '445 patent fails to disclose or suggest such operator involvement, and therefore cannot render claim 22 unpatentable.

Furthermore, as was pointed out above, the application module 200 determines the geographic area within which to screen calls. By contrast, claim 23 requires that the PSAP operator specify the geographic area in which to screen calls. Claims 24-25, dependent upon claim 22, are patentable at least for the reasons stated above with respect to claim 22.

CONCLUSION

In view of above remarks, reconsideration of the outstanding rejection and allowance of pending claims 1-11 and 13-25 is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Timothy J. Maier, Reg. No. 51,986, at the number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Very truly yours,

HARNESS, DICKEY & PIERCE, PLC

By



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